

EXHIBIT A

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF WISCONSIN

= =

JOSHUA ADAM SCHULTZ,

Plaintiff,

-vs-

Civil Action No. 14-0261

TRANS UNION, LLC, ET AL.,

Defendants.

= =

Deposition of:

BETH ERICKSON

Madison, Wisconsin
November 20, 2014

Reported by: Taunia Northouse, RDR, CRR

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1 pending, you need to answer the question before we
2 take a break. Do you understand that?

3 A Yes.

4 Q Are you on any medications, or do you have any
5 mental or physical conditions that would prohibit
6 you from telling the truth today?

7 A No.

8 Q Am I correct that you are the vice president of
9 Repayment Solutions and Default Collections?

10 A Yes.

11 Q How long have you worked -- how long have you had
12 that title?

13 A 12 years.

14 Q Did you work for the company prior to that?

15 A Yes.

16 Q How long in total have you worked for the company?

17 A 21 years.

18 Q And when I say "the company," you work for
19 Great Lakes Higher Education Guaranty Corp?

20 A Yes.

21 Q Okay. Prior to being the vice president of
22 Repayment Solutions and Default Collections, what
23 was your job title?

24 A Business analyst.

25 Q How long did you hold that position?

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1 A No.

2 Q Where is the call center staff located?

3 A In Madison, Wisconsin.

4 Q And all of the call center staff employees are
5 Guaranty Corp employees?

6 A Yes.

7 Q What is your understanding of the relationship
8 between Great Lakes Higher Education Guaranty Corp
9 and Great Lakes Education Loan Services, Inc.?

10 A Specific to my duties and my department's duties?

11 Q Well, generally -- why don't we just take a break
12 for a minute.

13 (Discussion off the record).

14 MR. GORSKI: Back on the record.

15 By Mr. Gorski: (Continuing)

16 Q I'm just asking you generally what your
17 understanding is of the business relationship
18 between these two companies.

19 A So we are -- the Guaranty Corporation is a
20 guarantor under the Federal Family Education Loan
21 Program. And some of our borrowers who are
22 guaranteed by us are also serviced by Great Lakes
23 Educational Loan Services, Inc.

24 Q When you say you're the guarantor, you mean that
25 Great Lakes is the company that lent the student

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1 A whoever is servicing the loan.

2 Q So then it goes back to the servicer who the
3 lender originally chose?

4 A Yes.

5 Q And if I understand you correctly, Great Lakes
6 Higher Education Guaranty Corp, when it is
7 required or decides to engage in these collection
8 activities on delinquent loans that it's
9 guaranteed, uses Great Lakes Education Loan
10 Servicing to do those collections?

11 A No.

12 Q Then can you clarify again what the relationship
13 then is between Great Lakes Education Loan
14 Services and Great Lakes Higher Education Guaranty
15 Corp in that context?

16 A I would call it a relationship between Great Lakes
17 Higher Education Guaranty Corp and whoever is
18 servicing the loan, which may be Great Lakes
19 Educational Loan Services.

20 Q Okay. So if I understand you correctly,
21 Great Lakes Education Loan Services may service
22 loans that Great Lakes Higher Education Guaranty
23 Corp has not yet received and, you know, begun its
24 collection activity on? It may be doing it for
25 lenders at a point when the loans are in good

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1 collection activities.

2 Q Because the servicer may have been the original
3 servicer for the -- strike that. Because
4 Great Lakes Education Loan Services may have been
5 the original servicer for the loan?

6 A May be the servicer for the loan.

7 Q So just to make sure I understand you correctly,
8 Great Lakes Higher Education Corp doesn't use
9 Great Lakes Education Loan Services as a conduit
10 to do the collection activities?

11 A Correct.

12 Q But in some circumstances both entities are
13 collecting on the same debt because both have some
14 relationship with the debt where they're required
15 to do so?

16 A Yes.

17 Q Great Lakes Higher Education Guaranty Corp and
18 Great Lakes Education Loan Services are
19 subsidiaries of a parent company?

20 A Yes.

21 Q And the parent company's name is?

22 A Great Lakes Higher Education.

23 Q Just Great Lakes Higher Education Corp?

24 A Education Corp -- Corp.

25 Q Do you know whether or not Great Lakes Education

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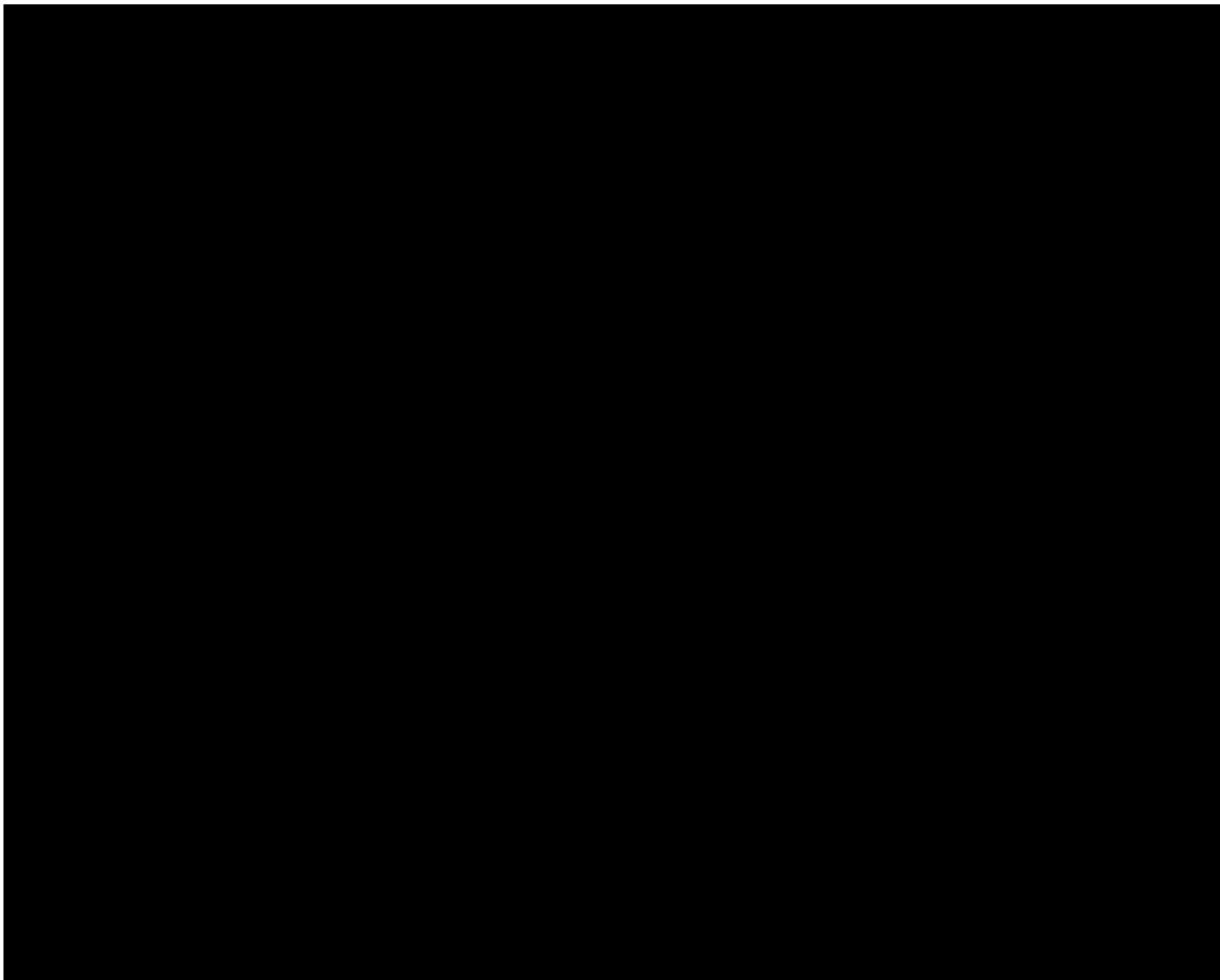
1 Loan Services services any loans that are not
2 guaranteed by Great Lakes Higher Education
3 Guaranty Corp?

4 A Yes.

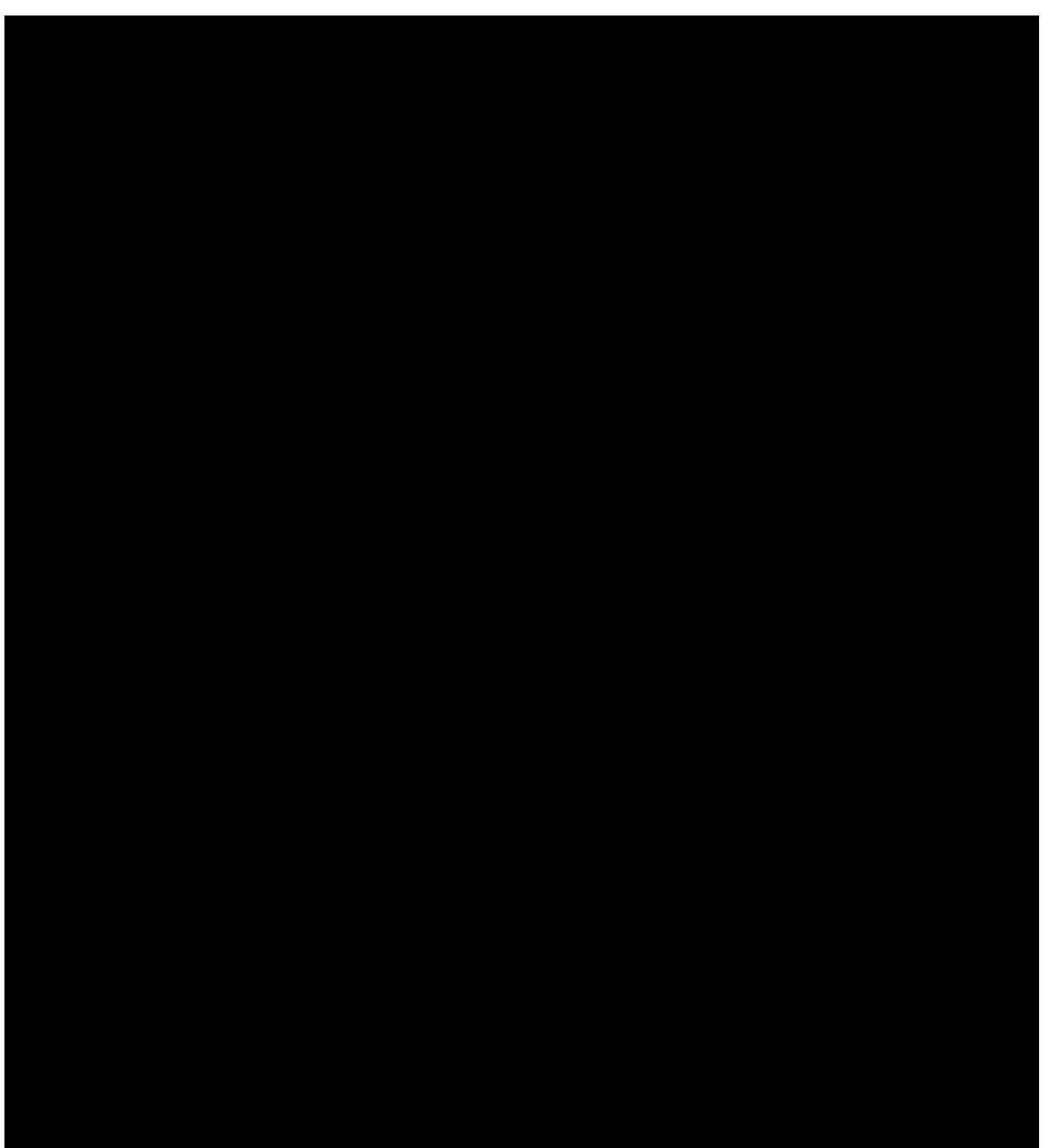
5 Q They do?

6 A Yes.

7 Q okay. What's your understanding of how the
8 student loan or loans belonging to



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24

MS. ST. JOHN: Do you object to my

25

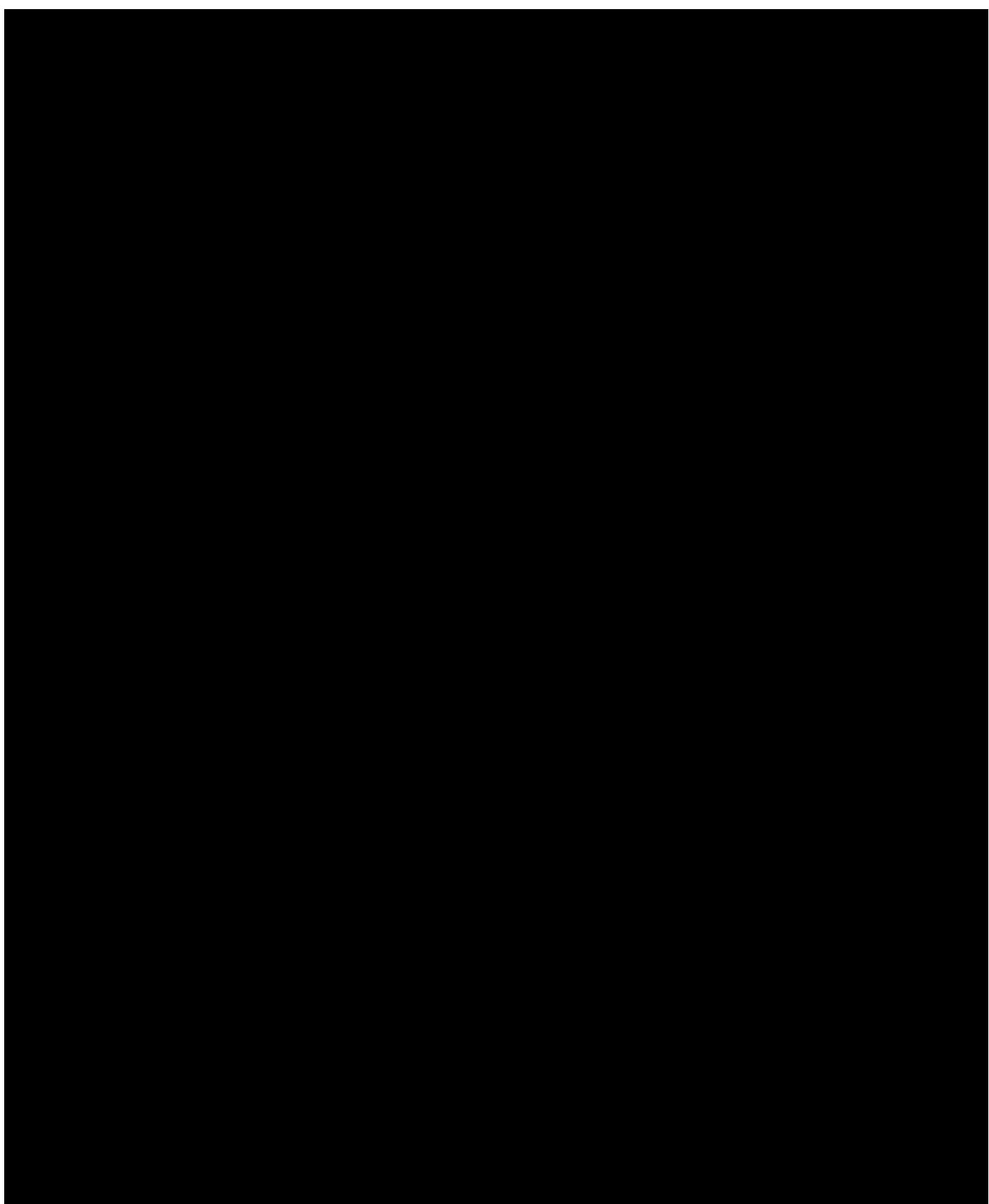
helping her, directing her to some documents?

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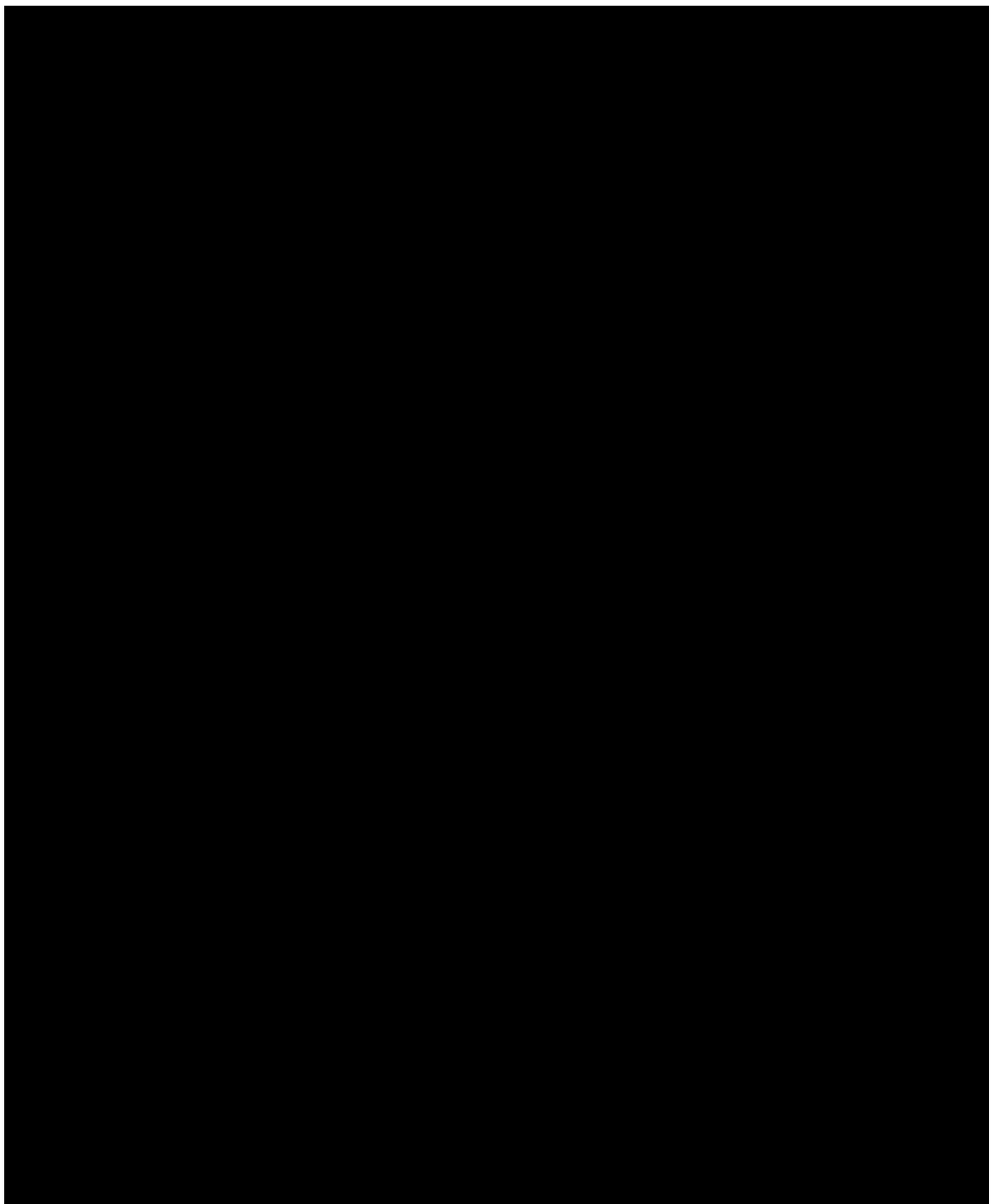
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22 Q And to the best of your knowledge, Great Lakes
23 Higher Education itself didn't engage in any
24 collection activity or servicing activity on the
25 loans belonging to the plaintiff?

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1 contact information, deleting incorrect contact
2 information, are those policies or procedures
3 uniform between Guaranty Corp and GLELSI?

4 A I'm unable to answer that question.

5 Q You don't know?

6 A I don't know.

7 Q So what you're saying, that your knowledge is
8 limited to what Guaranty Corp's policies are?

9 A Yes.

10 Q As you sit here today, you don't know whether
11 Guaranty Corp's policies are the same or different
12 from GLELSI's?

13 A Yes.

14 Q Yes, you don't know?

15 A Yes, I don't know.

16 Q Okay. Ms. Erickson, I'd like you to refer to the
17 document within the exhibit that has been Bates
18 stamped GL 1599. Do you have that in front of
19 you?

20 A Yes.

21 Q Can you tell me what this is?

5 Q So your basis for that is the information that's
6 written on this piece of paper?

7 A Correct.

8 Q Now, more specifically, what is being documented
9 on this piece of paper?

10 A Documented are the dates in which calls were made
11 or received to specific numbers.

12 Q Am I correct that these -- strike that. Am I
13 correct that the dates that appear on this sheet
14 are memorializing calls that were placed to the
15 telephone number 715-379-9195?

16 A Yes.

17 Q As you sit here today, do you understand that
18 number to be the cellular telephone of
19 Joshua Adam Schultz, the plaintiff?

20 A I do not know that it is a cellular phone number.

21 Q All right. Well, do you, as you sit here today,
22 understand that the phone number, 715-379-9195, is
23 a phone number that belongs to
24 Joshua Adam Schultz, the plaintiff?

25 A Yes.

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1 Q And you're saying that, as you sit here today, you
2 can't tell me whether or not 715-379-9195 is a
3 cell phone?

4 A I can only say that because I know the case. Is
5 that what you're looking for? I can't tell by the
6 number that it's a cell phone, but I know by the
7 case that it is.

8 Q All I'm asking you to do is whether you can
9 acknowledge, as we sit here today, based on your
10 understanding of the facts, that 715-379-9195 is a
11 cell phone number.

12 A My understanding of the facts of the case are that
13 that is a cell phone number.

14 Q Am I correct that this document is memorializing
15 that calls were being placed to 715-379-9195,
16 which as we've discussed is the plaintiff's cell
17 phone, in connection with a loan belonging to

19 MS. ST. JOHN: I'm going to object
20 to the form. You can answer.

21 A Yes.

22 Q So as you sit here today, your understanding of
23 what this document represents would be that this
24 document is memorializing calls that were placed
25 to the cell phone of plaintiff who was a

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1 nonborrower in connection with this particular
2 loan?

3 MS. ST. JOHN: Again, object to the
4 form. You can answer.

5 A Yes.

6 Q I'd like to go through each column specifically.
7 Starting all the way at the left, there is a
8 column that says that -- the top heading is
9 "GLELSI phone activity," provides the plaintiff's
10 cell phone number, and then the left column says
11 "Dialer called - no message left." Do you see
12 that?

13 A Yes.

14 Q What is that memorializing?

15 A I don't know that I should speak on behalf of
16 GLELSI. I can certainly speak to the
17 Repayment Solutions calls on the right.

18 Q So you're saying that, as you sit here today, you
19 do not possess enough knowledge to tell me what
20 that means?

21 A I can tell you it's no message left.

22 Q Okay.

23 A It's very similar to ours.

24 Q Well, you know what, why don't we just start on
25 the right-hand side of the paper and maybe we'll

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1 work our way back. So let's start instead on the
2 middle of the page that begins with the header
3 "Repayment Solutions phone activity," and then it
4 makes reference to plaintiff's cell phone number.
5 And then there is a column that says "Dialer
6 called - no answer." Do you see that?

7 A Yes.

8 Q And why is it titled "Repayment Solutions"?

9 A The Guaranty Corp, that is my department name.

10 Q So your department specifically inside of
11 Guaranty Corp is called Repayment Solutions?

12 A Yes.

13 Q what's your understanding of what is being
14 documented in the first column under "Dialer
15 called - no answer"?

16 A My understanding is, is that the number was called
17 and there was no answer for each time called on
18 each of the dates listed.

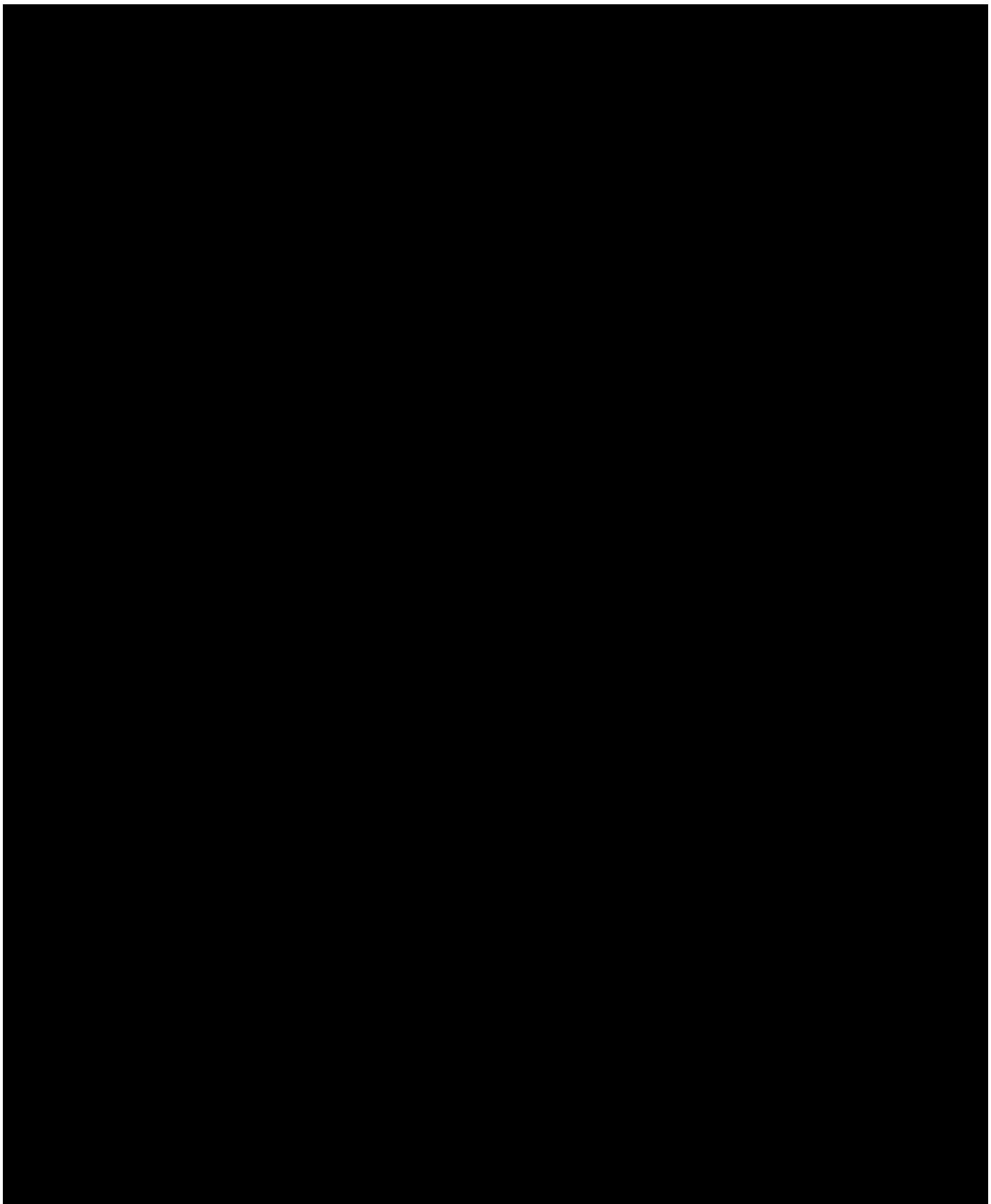
19 Q And it appears that it is tabulated that that was
20 done 15 times; correct?

21 A Yes.

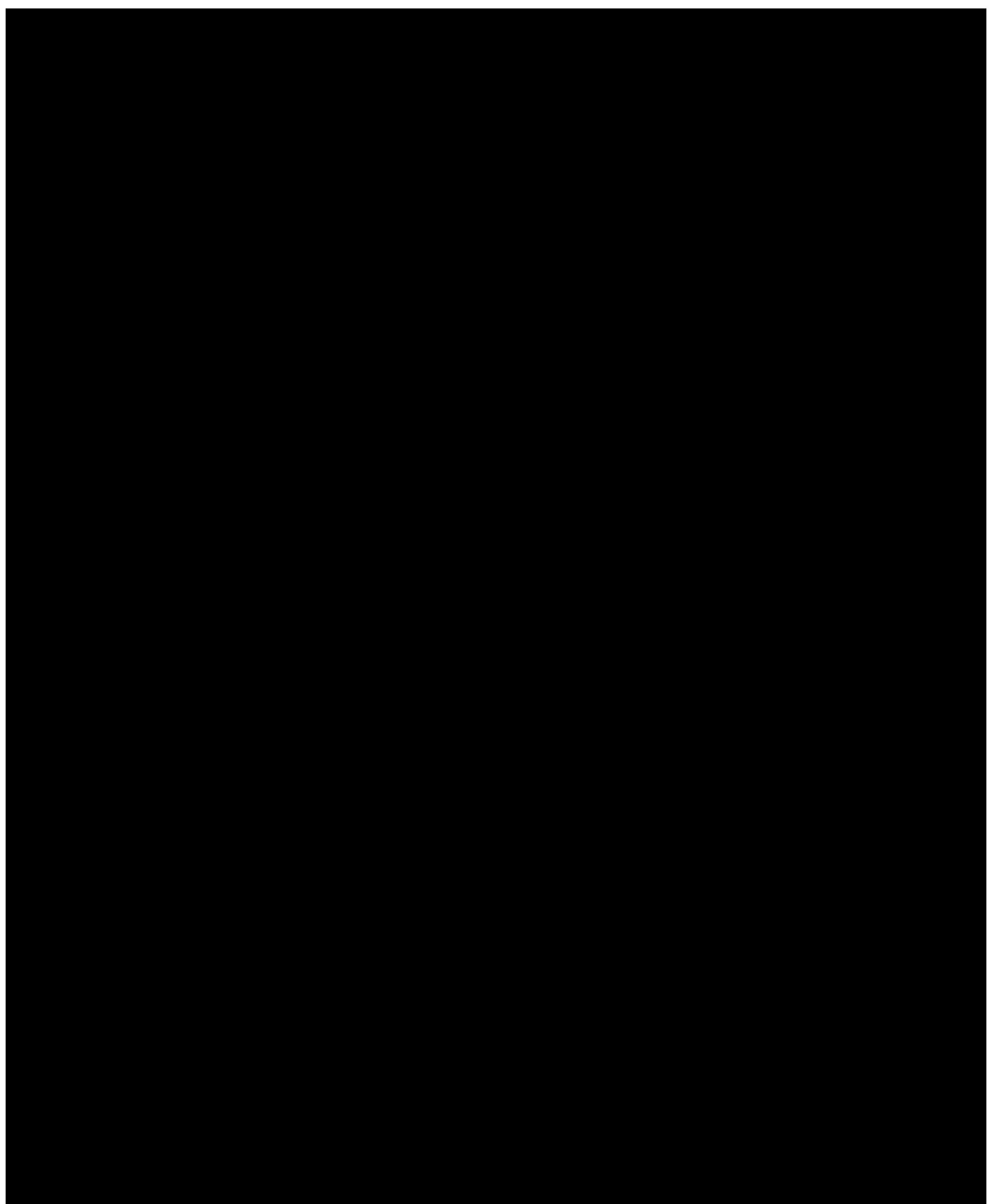
22 Q what does "dialer called" mean?

23 A It means that the telephone -- the
24 telecommunications system had been given the
25 borrower and the number to contact.

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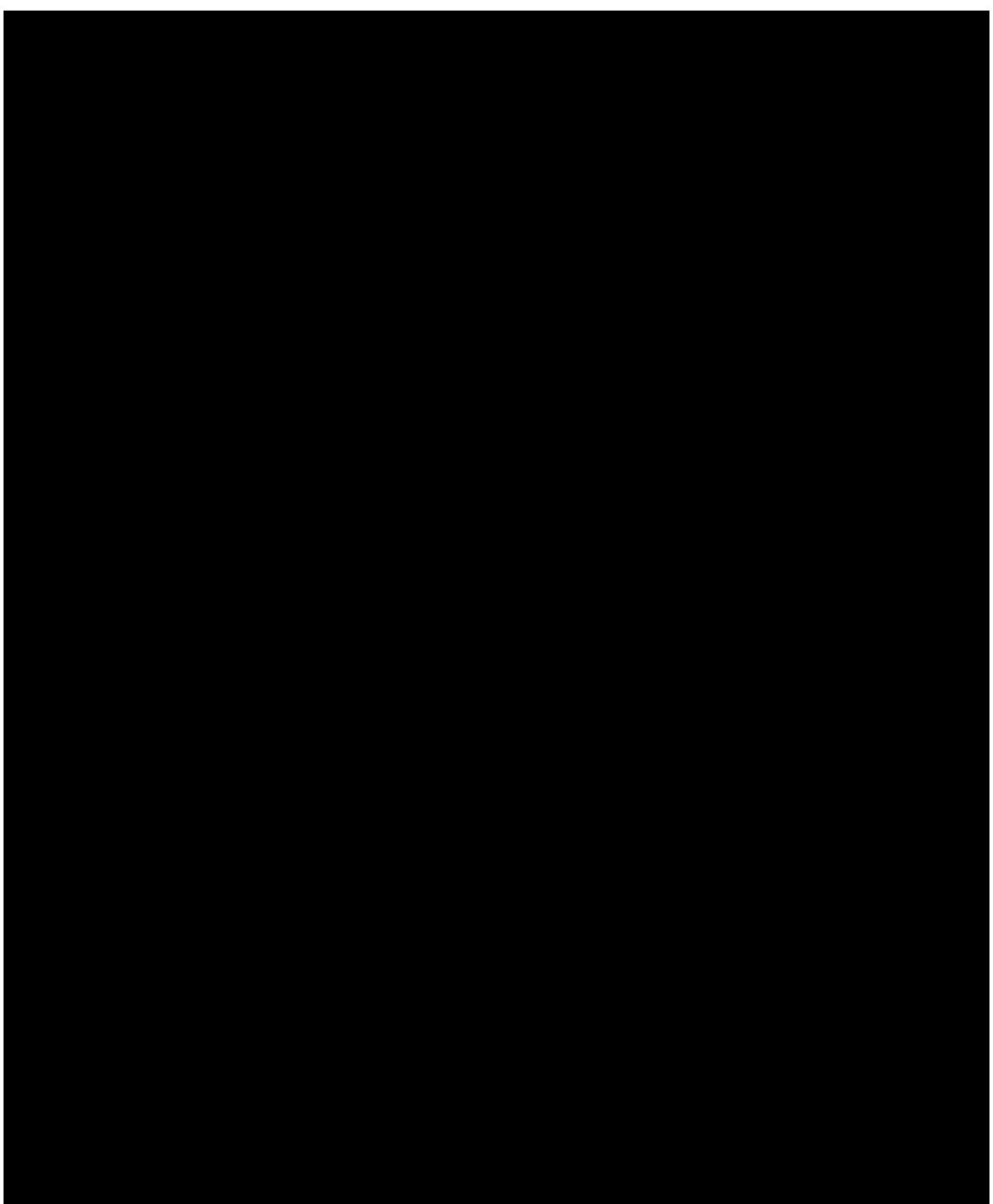


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1 attorneys.

2 A I cannot.

3 Q So you're saying as the vice president of
4 Repayment Solutions, you have insufficient
5 personal knowledge of whether the computer system
6 that I just described could be considered an
7 automated telephone dialing system?

8 A Yes.

9 MS. ST. JOHN: I'm going to -- and
10 I was going to object to form.

11 THE WITNESS: I'm sorry.

12 MS. ST. JOHN: That's okay.

13 Q Let's go to the second column. The column is
14 entitled "Dialer called" -- let me start over
15 again. The title is -- it's entitled "Dialer
16 called," and then shorthand it says "answering
17 machine," and then shorthand it says "no message
18 left." Is that correct?

19 A Yes.

20 Q What is that row or column memorializing?

21 A That is saying that a call was made, there was an
22 answering machine, no message would be left.

23 Q And the document tabulates the number of times
24 that was done, and it was 41 times; correct?

25 A Yes.

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1 Q Now, the paragraph is entitled "dialer" again.
2 Now, when this paragraph -- sorry. Strike that.
3 This column is entitled "Dialer called" also.
4 with respect to that designation and based on what
5 we just discussed about the prior column, are we
6 talking about the same thing?

7 A Can you clarify that for me, "same thing"?

8 Q When it says "Dialer called" in column 1, and when
9 it says "Dialer called" in column 2, are we
10 talking about the same dialer system?

11 A we are talking about the same, yes,
12 telecommunication system.

13 Q And then there is a third column that says "RS,"
14 and then it says "TT BORR." Can you translate
15 that for me?

16 A That is Repayment Solutions talked to borrower.
17 That was an inbound call.

18 Q So Column No. 3 represents a call that was made to
19 Repayment Solutions?

20 A Yes.

21 Q And I'm going to assume that the system that
22 tracks incoming calls was able to identify that
23 the call was made from the telephone number above?

24 A The telephone -- yes.

25 Q I'm not going to ask you to go through what's on

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1 the left-hand side because you said that it's
2 related to GLELSI. So I'm not going to go through
3 each column. But with respect to the column
4 titles "Dialer called" and "Dialer called," is it
5 your understanding, based on your knowledge of
6 this document, that when it's making reference to
7 the dialers in those two columns, we're talking
8 about the same dialing system that we've already
9 discussed?

11 Q Right. The same dialing system we've already
12 discussed?

13 A Yes.

14 Q And then again with respect to the GLELSI
15 information that's on the left-hand side of the
16 document, the third column there, "BS TT BORR,"
17 that is a column that relates to incoming
18 telephone calls?

19 A I cannot answer that.

20 Q You don't know one way or the other?

21 A I don't know one way or the other.

22 Q Okay. And with respect to Repayment Solutions,
23 can we agree that -- strike that. And with
24 respect to the Repayment Solutions data on this
25 sheet, can we agree that the dialer placed 56

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1 telephone calls to 715-379-9195 between
2 November 7th, 2011, and February 16th, 2012?

3 A Yes.

4 Q Do you agree that Joshua Adam Schultz, the
5 plaintiff, obviously never gave consent to
6 Repayment Solutions or anyone else to be called

8 A Just state that one more time for me, please.

9 Q Do you agree that Joshua Adam Schultz, the
10 plaintiff, never gave consent to Guaranty Corp or
11 anyone else to be called on this particular
12 telephone number in relation to a debt belonging

14 A Again, he did not -- you're asking that he did not
15 give that number in regards to

17 no to that. I'd have to say no.

18 Q You're saying no, that the plaintiff, never gave
19 any consent to be called at the number we're
20 talking about here about that's belonging to

22 A I think you asked me if he did give us that phone
23 number or not; right? So yes, he did give us this
24 phone number.

25 Q That's not what I'm asking.

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1 A Okay.

2 Q I'm asking did Joshua Adam Schultz, the plaintiff,
3 ever give Guaranty Corp or anybody else consent to
4 call him about a debt belonging to

6 A Yes.

7 Q You're saying yes?

8 A Yes.

9 Q And when was that?

10 A It was in May of 2011.

11 Q May of 2011?

12 A Yes.

13 Q What are you relying on to make that statement?

14 A Do we have the activity? This activity -- this is
15 new. I'm sorry. I was looking for the right
16 activity.

17 MS. ST. JOHN: I should ask you
18 before I start, I mean, there are so many
19 documents, I can help direct you to what I
20 think she's talking about.

21 MR. GORSKI: Go for it.

22 MS. ST. JOHN: But I don't want to
23 be directing her testimony.

24 Q Have you found a document that you intend to rely
25 upon to support your answer?

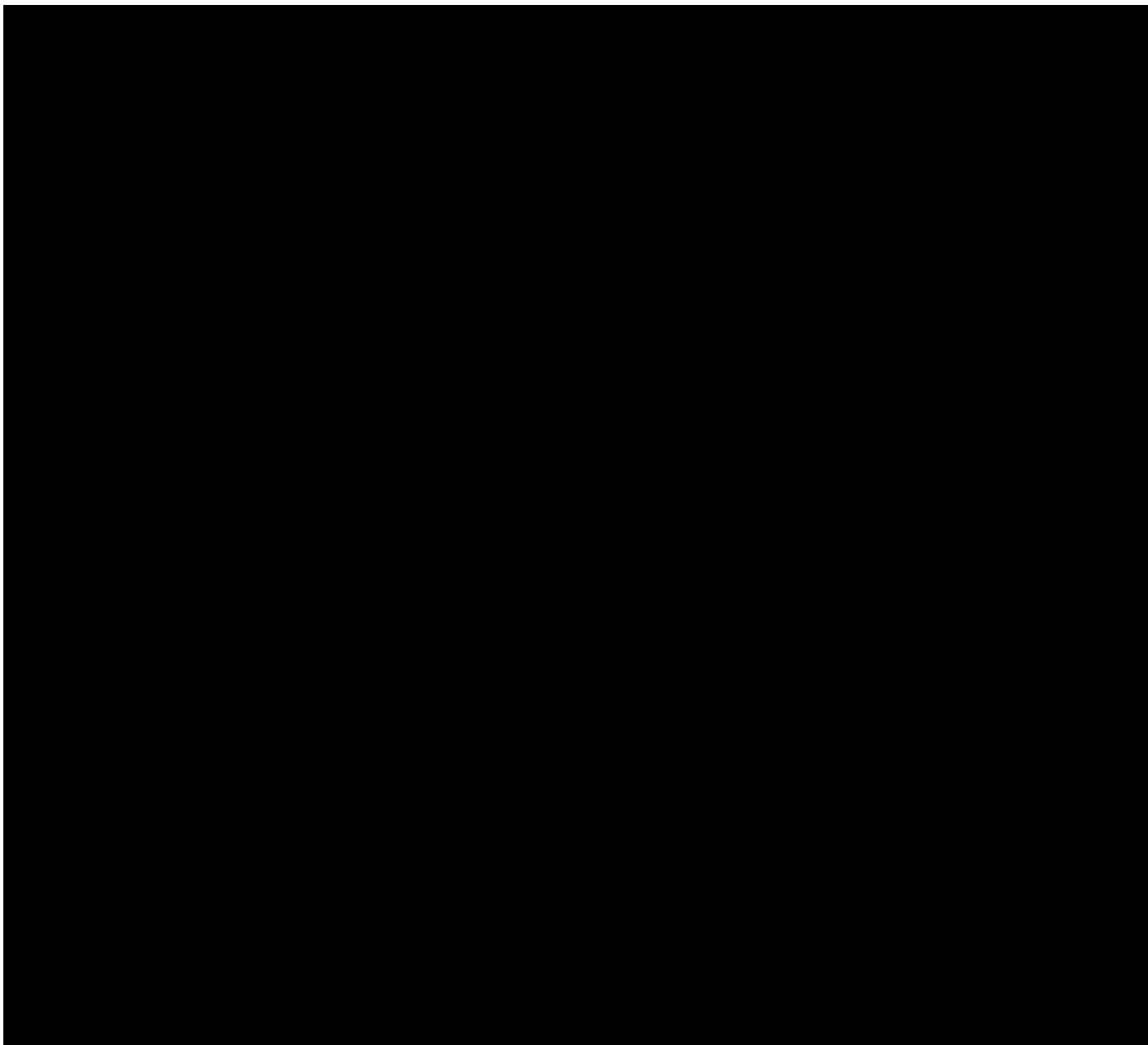
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1 A Yes.

2 Q what document is that?

3 A GL 001593.

4 Q okay. So let the record reflect that we're now
5 discussing the document that's been Bates labeled
6 GL 1593. Can you tell me what this is?



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1 with that number on it?

2 A That certainly could have happened.

3 Q And the result of that May 2011 call is based on
4 an error of the customer service representative to
5 presume that the person that she was talking to

7 A I can't answer that.

8 Q And you can't answer it because you don't know
9 what was said during that conversation at all?

10 A Correct, yes.

11 Q Other than the telephone call that we've discussed
12 that occurred in May of 2011 in which you're
13 alleging that plaintiff Joshua Schultz spoke to
14 somebody at one -- spoke to somebody at the
15 company, do you have any other information that
16 supports that Mr. Schultz, the plaintiff, gave his
17 expressed consent to be contacted at the cellular
18 telephone number that we've been discussing?

19 A No.

20 Q That is it?

21 A That's it.

22 Q Ms. Erickson, I'd like you to turn to the document
23 that's been Bates labeled GL 948. Are you there?

24 A Yes.

25 Q Do you agree that this document is similar to the

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1 document that we have previously reviewed,
2 GL 1599?

3 A Yes.

4 Q And do you understand this to also be a record of
5 phone calls that were placed to the cellular
6 telephone number 715-379-1995?

7 A Yes.

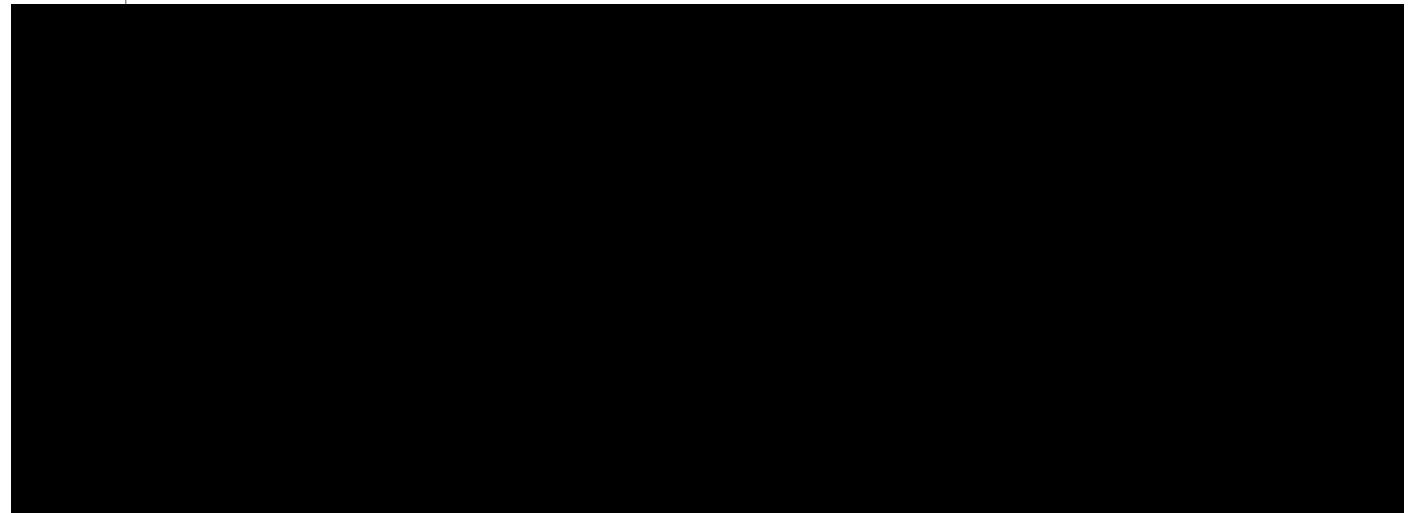
8 Q Are all of these calls that were placed by GLELSI?

9 A GLELSI or Performant.

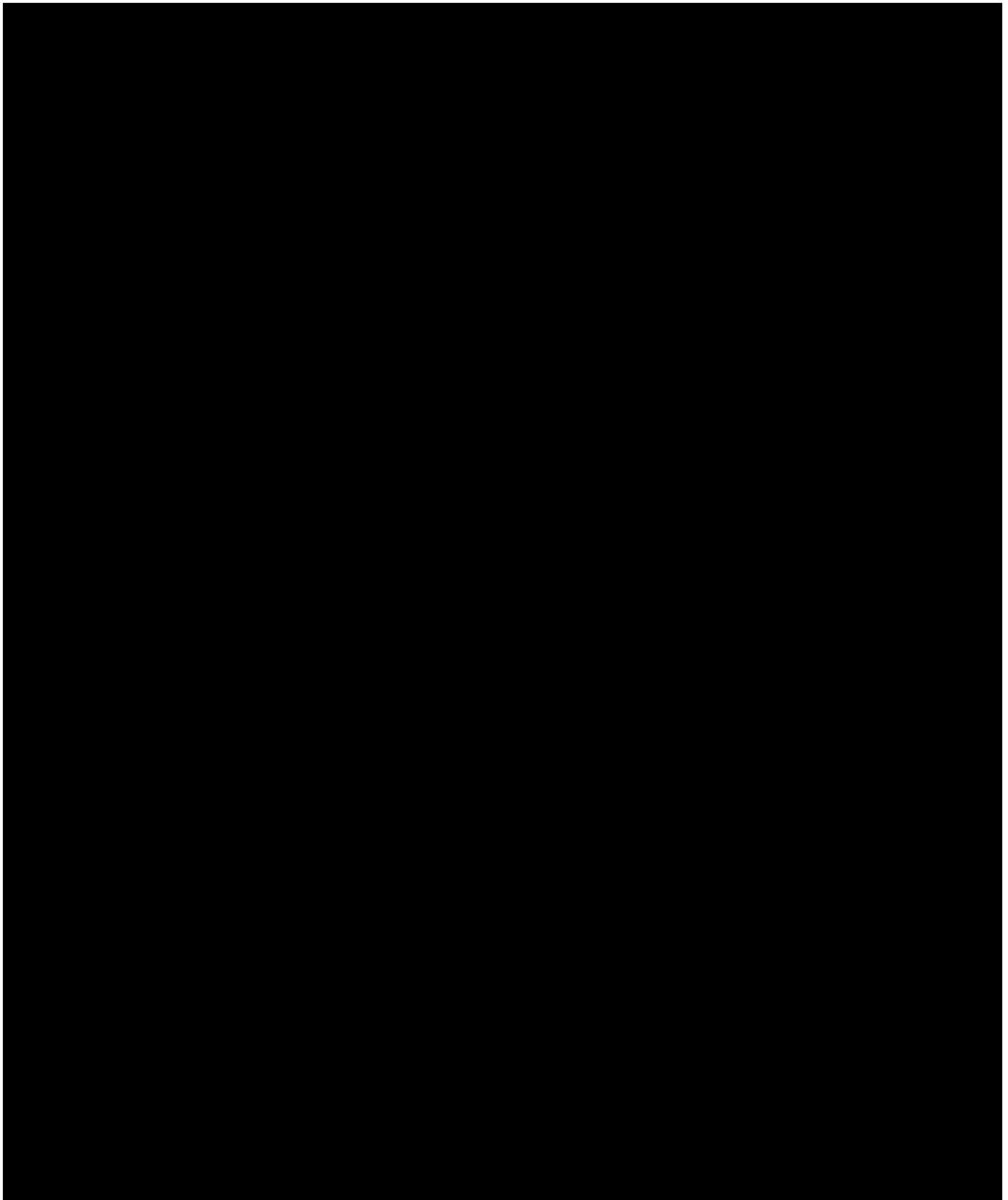
10 Q Performant, you indicated, is the company that
11 Guaranty Corp uses to assist with collections;
12 correct?

13 A Default collections only. Performant -- default
14 collections on the Guaranty Corp.

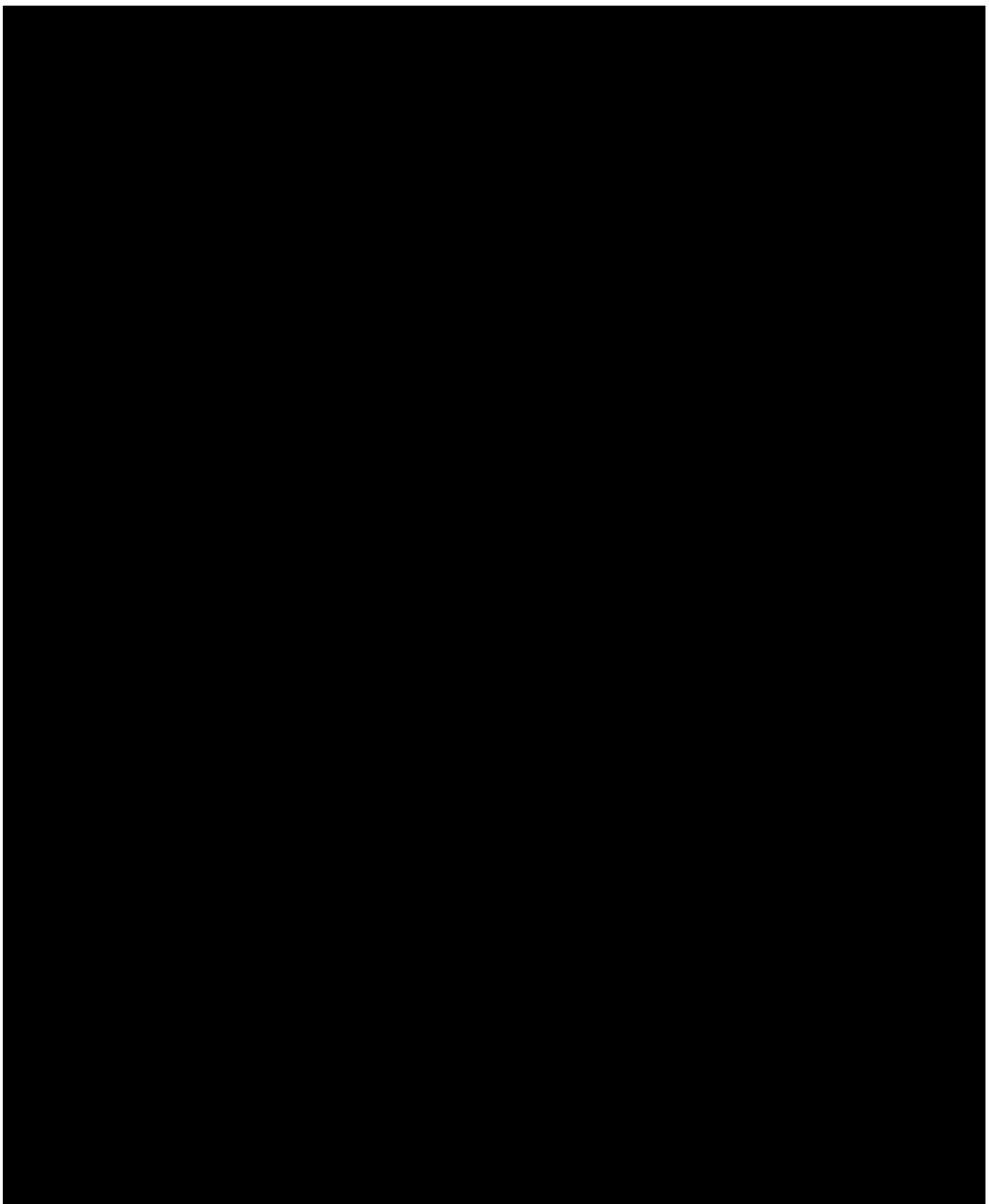
15 Q So the calls that are listed under the ones that
16 say "Performant dialer," are those calls that are
17 being made in connection with calls that are

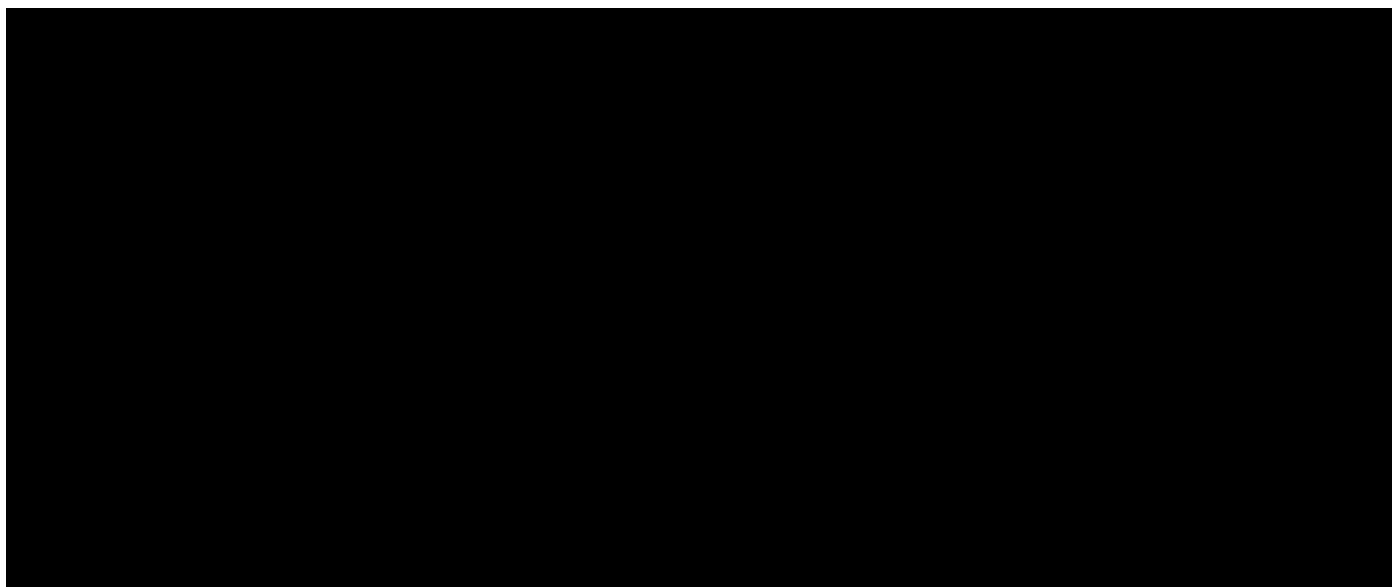


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10 Q Did Guaranty Corp have any policies -- strike
11 that. Do you know what the TCPA is?

12 A Telephone Consumer Protection Act.

13 Q Does the -- to your knowledge, does that statute
14 have any impact on the way your department engages
15 in collection activities?

16 A Yes.

17 Q what's your understanding of how it impacts your
18 department's collection activities?

19 A which component of the TCPA are we asking about?

20 Q with respect to calls being made to cellular
21 telephones.

22 A My understanding that we need to -- that we have
23 consent to contact the borrower, and if we do not,
24 we need to call them manually.

25 Q Other than your description of the use of this

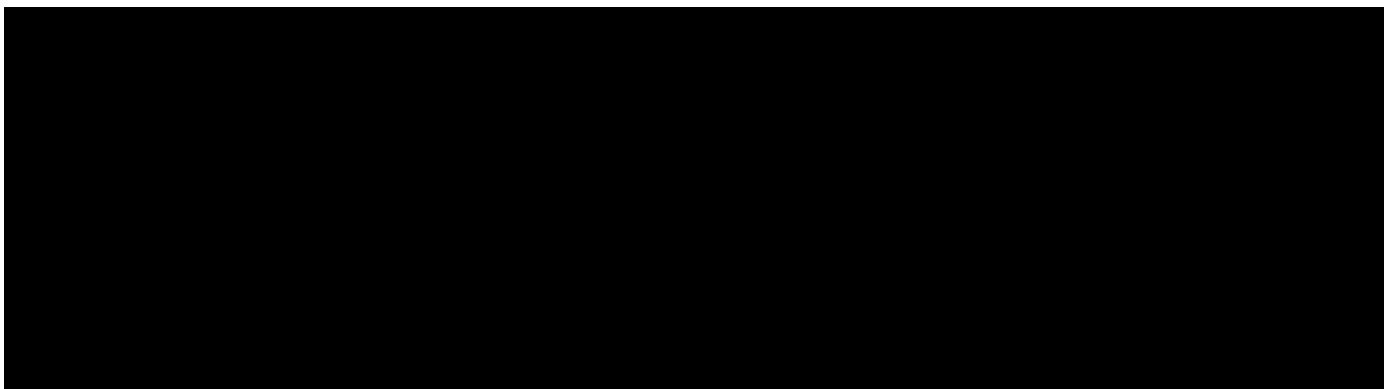
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1 A The referencing back to 16 -- I'm going to
2 reference the May date again, and I may not have
3 the right -- I don't think it's in there.

4 Q I know what you're talking about. But you
5 appreciate that he was receiving letters before
6 that date?

7 MS. ST. JOHN: I'm going to object
8 to form too. The same way you're saying
9 alleged calls, we have alleged allegations
10 that he's receiving that, but we don't -- go
11 ahead.

12 Q Assuming that Mr. Schultz, the plaintiff, didn't
13 somehow manufacture the letters I showed to you,
14 the letters reflect that letters were sent to
15 Mr. Schultz, the plaintiff, about



22 A I don't have any understanding of where that came
23 from.

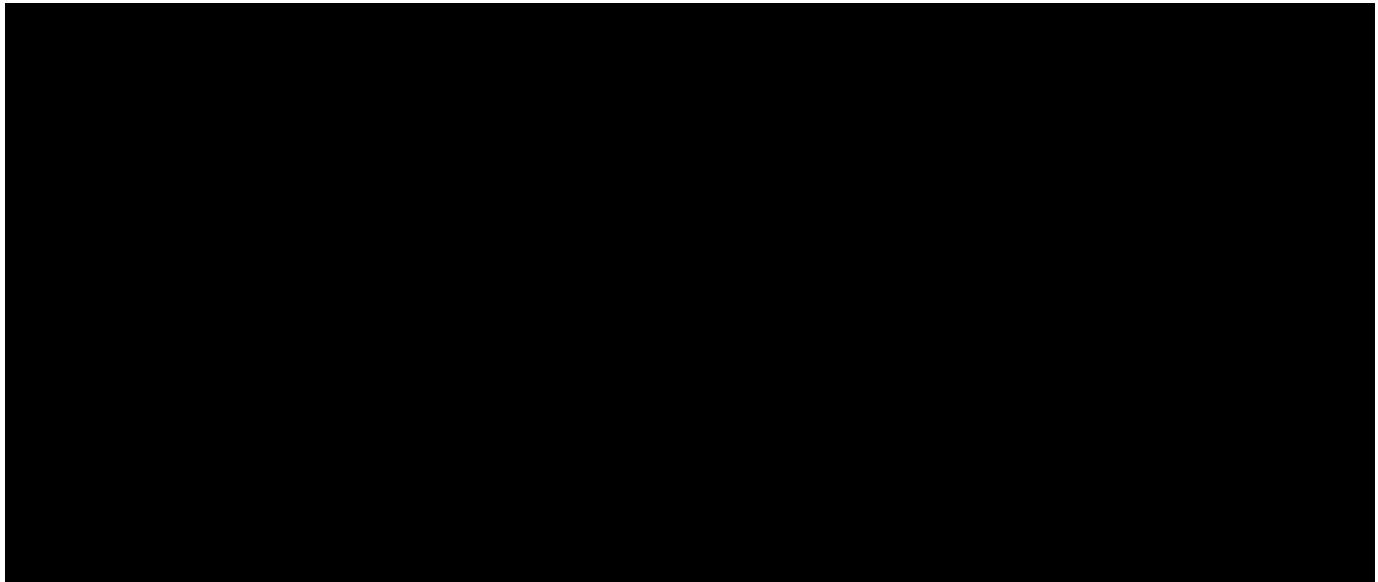
24 Q You don't know how it happened?

25 A I was not involved with this until November of

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1 Q So it's your testimony that if I want to know the
2 answer to that question, you're not the best
3 person to ask? I should ask Jacqueline this
4 afternoon?

5 A If we're going to look at the corporation as a
6 whole from the umbrella, yes. Yes.

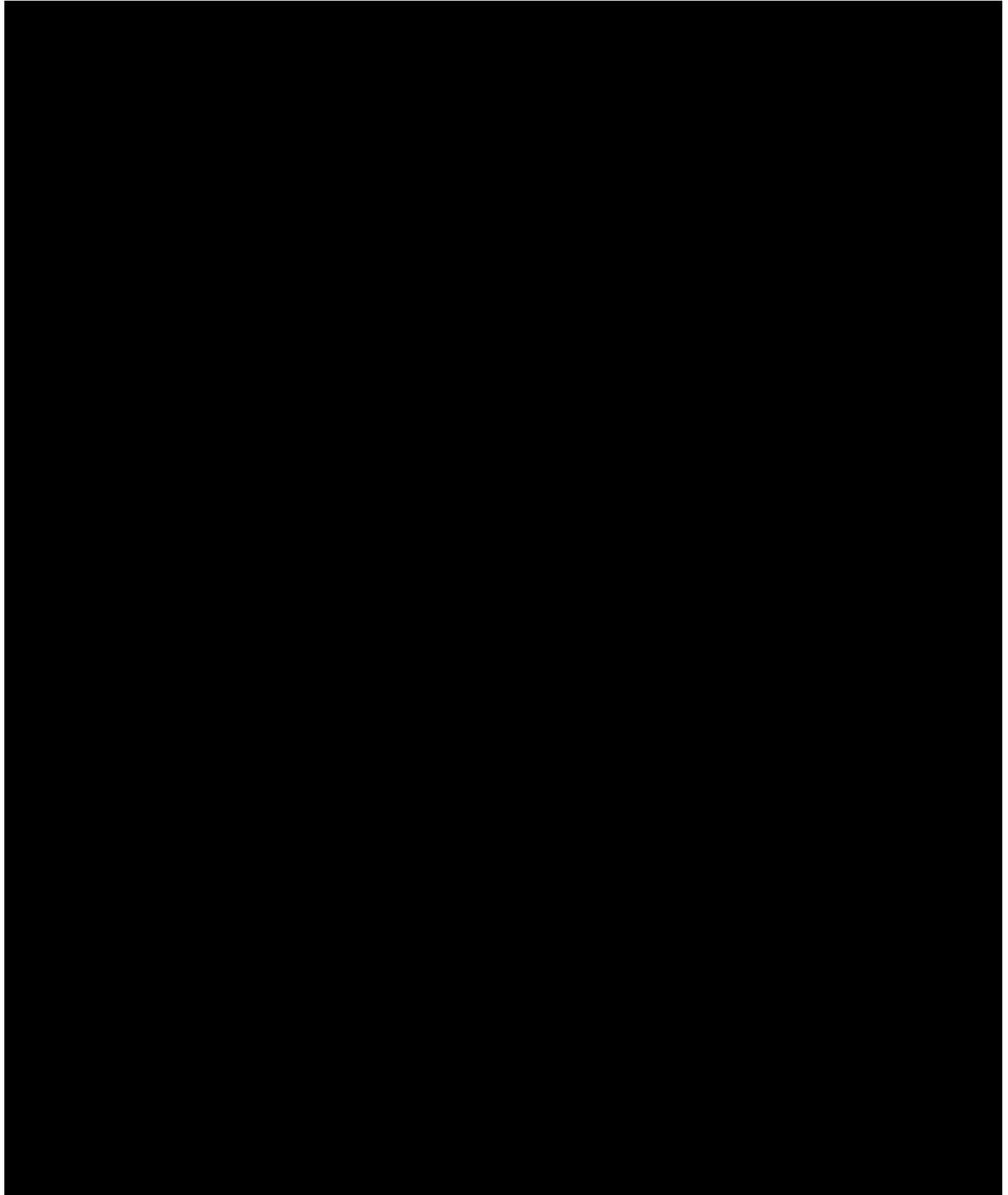


16 A There's no more items that I would add to that
17 list.

18 Q I'd like you to turn to the document that's been
19 Bates labeled GL -- I'm sorry, strike that. I'd
20 like you to turn to the document that's been Bates
21 labeled GL 12 to GL 14. And I'd like you to take
22 a look at it and tell me whether you recognize
23 what it is.



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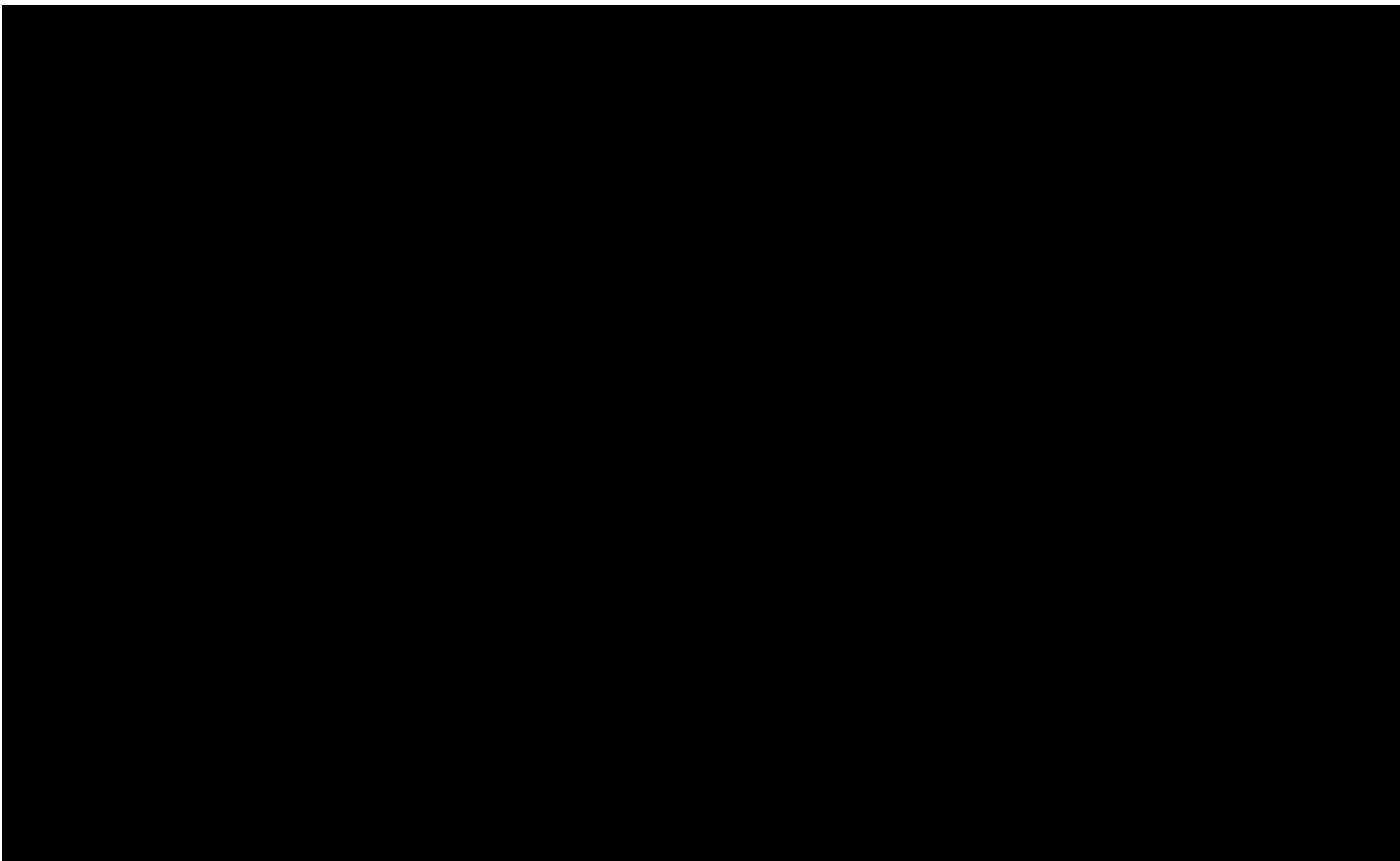
13 A Yes.

14 Q Do you agree that Joshua Schultz, the plaintiff,
15 is not the borrower in connection with the loans

17 A But the person is the borrower. It says "if the
18 person is not a borrower." Person on the phone,

20 Q what I asked was: Do you agree that
21 Joshua Schultz, the plaintiff, is not the borrower
22 as it relates to the loan belonging to

24 A I'm sorry, I'm struggling. The statement said if
25 the person we're calling is not a borrower. So --



14 Q okay. Do you know, as you sit here today, whether
15 or not 715-379-9195 has been marked as manual dial
16 or autodial?

17 A No, I don't because -- no.

18 Q So you don't know whether it has been one way or
19 the other?

20 A I don't have a relationship with that number.

21 Q what I'm just saying is, as you sit here today,
22 you don't even know whether it's been marked
23 autodial or manual dial in that data file?

24 A The Guaranty Corporation doesn't have any
25 involvement with that number, so no.

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1 A No.

2 Q Let's go then to -- let's go then to GL 1596.

3 Actually, let's just go to -- let's start at
4 GL 1593.

5 A okay.

6 Q Now, you agree that 1593 through 1598 all relate

7
8 A Yes.

9 Q And do you agree that Mr. Schultz's -- the
10 nonparty's current file with Guaranty Corp still
11 includes the address and cell phone number of
12 Joshua Schultz, the plaintiff?

13 A The history, yes.

14 Q And it's listed under previous address and phone
15 number; correct?

16 A Yes.

17 Q And you know, as you sit here today, with

18
19 previous address and phone number was never that;
20 correct?

21 A Yes.

22
23 A Yes.

24 MR. GORSKI: I don't have any other
25 questions other than the questions that I

1 STATE OF WISCONSIN)
2 COUNTY OF DANE) SS.

3 I, Taunia Northouse, a Registered Diplomatic Reporter
4 and Notary Public duly commissioned and qualified in and
5 for the State of Wisconsin, do hereby certify that
6 pursuant to notice, there came before me on the 20th day
7 of November 2014, at 9:07 in the forenoon, at the
8 offices of Michael Best & Friedrich, LLP, Attorneys at
9 Law, One South Pinckney Street, Suite 700, the City of
10 Madison, County of Dane, and State of Wisconsin, the
11 following named person, to wit: BETH ERICKSON, who was
12 by me duly sworn to testify to the truth and nothing but
13 the truth of her knowledge touching and concerning the
14 matters in controversy in this cause; that she was
15 thereupon carefully examined upon her oath and her
16 examination reduced to typewriting with computer-aided
17 transcription; that the deposition is a true record of
18 the testimony given by the witness; and that reading and
19 signing was waived.

20 I further certify that I am neither attorney
21 or counsel for, nor related to or employed by any of the
22 parties to the action in which this deposition is taken
23 and further that I am not a relative or employee of any
24 attorney or counsel employed by the parties hereto or
25 financially interested in the action.

1 In witness whereof I have hereunto set my
2 hand and affixed my notarial seal this 30th day of
3 November 2014.



4
5 *Tamie K. Northouse*
6 Registered Diplomatic Reporter
7 Notary Public, State of Wisconsin

8 My commission expires
9 May 17, 2015

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